

1 **RECEIVED** UNITED STATES DISTRICT COURT

**FILED**

2 FEB - 7 2008 FOR THE NORTHERN DISTRICT OF CALIFORNIA

MAR - 5 2008

3 RICHARD W. WIEKING  
4 CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

5 NATIONAL LABOR RELATIONS BOARD

Case No.:

6 Applicant,

08-80018-1100

7 v.

ORDER TO SHOW CAUSE

~~PROPOSED~~

8 SERVICE EMPLOYEES INTERNATIONAL  
9 UNION, LOCAL 535, SERVICE  
10 EMPLOYEES INTERNATIONAL UNION,  
11 LOCAL 616, SERVICE EMPLOYEES  
12 INTERNATIONAL UNION, LOCAL 616  
13 HOME HEALTH CARE, SERVICE  
14 EMPLOYEES INTERNATIONAL UNION,  
LOCAL 790, SERVICE EMPLOYEES  
INTERNATIONAL UNION, LOCAL 1021 and  
JOSIE MOONEY, DAMITA DAVIS-  
HOWARD and FRAN JEFFERSON

15 Respondents.

16  
17 The National Labor Relations Board (herein called the Board), by its General Counsel,  
18 and by William A. Baudler, Regional Attorney for Region 32, has applied for an order directing  
19 Service Employees International Union, Local 535 (herein called Respondent Local 535),  
20 Service Employees International Union, Local 616 (herein called Respondent Local 616),  
21 Service Employees International Union, Local 616 Home Health Care (herein called Respondent  
22 Local 616H), Service Employees International Union, Local 790 (herein called Respondent  
23 Local 790), Service Employees International Union, Local 1021 (herein called Respondent Local  
24 1021), and Josie Mooney (herein called Respondent Mooney), Damita Davis-Howard (herein  
25 called Respondent Davis-Howard) and Fran Jefferson (herein called Respondent Jefferson) to

1 obey certain subpoenas *duces tecum* and/or subpoenas *ad testificandum* (herein called the  
2 Application). Having shown good cause,

3 IT IS ORDERED that Respondent Local 535 appear before this Court at the United  
4 States Court House in ~~Oakland~~ <sup>San Jose</sup>, California on the 29th day of April, 2008 at 10:00 a.m.  
5 as soon thereafter as Counsel can be heard, and then and there show cause why, if any there be,  
6 an order should not issue directing Respondent Local 535's custodian of records to appear before  
7 a Board Agent at such time and place as the Board Agent may designate, and there and then to  
8 produce the documents requested in subpoena *duces tecum* No. B-450893, and to answer,  
9 through sworn affidavit or deposition, at the discretion of the Regional Director of Region 32 of  
10 the Board, any and all questions relevant and material to the subpoenaed documents relating to  
11 the proceedings before the Board in Board Cases 32-CA-23028 and 32-CA-23123 now pending  
12 before the Board pursuant to Section 10 of the National Labor Relations Act, as amended [29  
13 U.S.C. § 151 et seq.]; and

14 IT IS FURTHER ORDERED that Respondent Local 616 appear before this Court at the  
15 United States Court House in ~~Oakland~~ <sup>San Jose</sup>, California on the 29th day of April, 2008 at  
16 10:00 a.m. as soon thereafter as Counsel can be heard, and then and there show cause why, if  
17 any there be, an order should not issue directing Respondent Local 616's custodian of records to  
18 appear before a Board Agent at such time and place as the Board Agent may designate, and there  
19 and then to produce the documents requested in subpoena *duces tecum* No. B-450894, and to  
20 answer, through sworn affidavit or deposition, at the discretion of the Regional Director of  
21 Region 32 of the Board, any and all questions relevant and material to the subpoenaed  
22 documents relating to the proceedings before the Board in Board Cases 32-CA-23029 and 32-  
23 CA-23120 now pending before the Board pursuant to Section 10 of the National Labor Relations  
24 Act, as amended [29 U.S.C. § 151 et seq.]; and  
25

1 IT IS FURTHER ORDERED that Respondent Local 616H appear before this Court at the  
 2 United States Court House in ~~Oakland~~ **San Jose** California on the 29th day of April, 2008 at  
 3 10:00 am or as soon thereafter as Counsel can be heard, and then and there show cause why, if  
 4 any there be, an order should not issue directing Respondent Local 616's custodian of records to  
 5 appear before a Board Agent at such time and place as the Board Agent may designate, and there  
 6 and then to produce the documents requested in subpoena *duces tecum* No. B-450895, and to  
 7 answer, through sworn affidavit or deposition, at the discretion of the Regional Director of  
 8 Region 32 of the Board, any and all questions relevant and material to the subpoenaed  
 9 documents relating to the proceedings before the Board in Board Cases 32-CA-23030 and 32-  
 10 CA-23121 now pending before the Board pursuant to Section 10 of the National Labor Relations  
 11 Act, as amended [29 U.S.C. § 151 et seq.]; and

12 IT IS FURTHER ORDERED that Respondent Local 790 appear before this Court at the  
 13 United States Court House in ~~Oakland~~ **San Jose** California on the 29th day of April, 2008 at  
 14 10:00 am or as soon thereafter as Counsel can be heard, and then and there show cause why, if  
 15 any there be, an order should not issue directing Respondent Local 790's custodian of records to  
 16 appear before a Board Agent at such time and place as the Board Agent may designate, and there  
 17 and then to produce the documents requested in subpoena *duces tecum* No. B-450896, and to  
 18 answer, through sworn affidavit or deposition, at the discretion of the Regional Director of  
 19 Region 32 of the Board, any and all questions relevant and material to the subpoenaed  
 20 documents relating to the proceedings before the Board in Board Cases 32-CA-23027 and 32-  
 21 CA-23122 now pending before the Board pursuant to Section 10 of the National Labor Relations  
 22 Act, as amended [29 U.S.C. § 151 et seq.]; and

23 IT IS FURTHER ORDERED that Respondent Local 1021 appear before this Court at the  
 24 United States Court House in ~~Oakland~~ **San Jose** California on the 29th day of April, 2008 at  
 25 10:00 am or as soon thereafter as Counsel can be heard, and then and there show cause why, if

1 any there be, an order should not issue directing Respondent Local 1021's custodian of records  
 2 to appear before a Board Agent at such time and place as the Board Agent may designate, and  
 3 there and then to produce the documents requested in subpoena *duces tecum* No. B-450890, and  
 4 to answer, through sworn affidavit or deposition, at the discretion of the Regional Director of  
 5 Region 32 of the Board, any and all questions relevant and material to the subpoenaed  
 6 documents relating to the proceedings before the Board in Board Cases 32-CA-23024 and 32-  
 7 CA-23114 now pending before the Board pursuant to Section 10 of the National Labor Relations  
 8 Act, as amended [29 U.S.C. § 151 et seq.]; and

9 IT IS FURTHER ORDERED that Respondent Mooney appear before this Court at the  
 10 United States Court House in ~~Oakland~~ <sup>San Jose</sup>, California on the 29th day of April, 2008 at  
 11 10:00 am, or as soon thereafter as Counsel can be heard, and then and there show cause why, if  
 12 any there be, an order should not issue directing Respondent Mooney to appear before a Board  
 13 Agent at such time and place as the Board Agent may designate, and there testify and answer,  
 14 through sworn affidavit or deposition, at the discretion of the Regional Director of Region 32 of  
 15 the Board, any and all questions relevant and material to the matters under investigation and in  
 16 question in the proceedings before the Board in Board Cases 32-CA-23027 and 32-CA-23122 as  
 17 required by subpoena *ad testificandum* No. A-740578; and

18 IT IS FURTHER ORDERED that Respondent Davis-Howard appear before this Court at  
 19 the United States Court House in ~~Oakland~~ <sup>San Jose</sup>, California on the 29th day of April, 2008  
 20 at 10:00 am, or as soon thereafter as Counsel can be heard, and then and there show cause why,  
 21 if any there be, an order should not issue directing Respondent Davis-Howard to appear before a  
 22 Board Agent at such time and place as the Board Agent may designate, and there testify and  
 23 answer, through sworn affidavit or deposition, at the discretion of the Regional Director of  
 24 Region 32 of the Board, any and all questions relevant and material to the matters under  
 25 investigation and in question in the proceedings before the Board in Board Cases 32-CA-23024,

32-CA-23028, 32-CA-23114 and 32-CA-23123 as required by subpoena *ad testificandum* No. A-740575; and

IT IS FURTHER ORDERED that Respondent Jefferson appear before this Court at the United States Court House in ~~Oakland~~ **San Jose**, California on the 29th day of April, 2008 at 10:00 am, or as soon thereafter as Counsel can be heard, and then and there show cause why, if any there be, an order should not issue directing Respondent Jefferson to appear before a Board Agent at such time and place as the Board Agent may designate, and there testify and answer, through sworn affidavit or deposition, at the discretion of the Regional Director of Region 32 of the Board, any and all questions relevant and material to the matters under investigation and in question in the proceedings before the Board in Board Cases 32-CA-23029, 32-CA-23030, 32-CA-23120 and 32-CA-23121 as required by subpoena *ad testificandum* No. A-740576; and

IT IS FURTHER ORDERED that Respondents file an answer to the Application with the Clerk of this Court and serve copies thereof upon Applicant at its office located at 1301 Clay Street, Oakland, California, 94612 on or before the 1st day of April, 2008. Applicant's reply, if any, is due on or before the 8th day of April, 2008; and

IT IS FURTHER ORDERED that service of copies of this Order and the Application upon which it is issued be made without delay upon Respondents, in any manner provided in the Federal Rules of Civil Procedure ~~by a United States Marshall~~ by an individual employed by the National Labor Relations Board, or an individual designated by the National Labor Relations Board, in accordance with Rule 4(c) of the Federal Rules of Civil Procedure, and that proof of such service be filed herein.

**San Jose**  
DONE AT ~~Oakland~~, California this 5th day of March, 2008.

  
MAGISTRATE  
UNITED STATES DISTRICT JUDGE

HOWARD R. LLOYD